

Rec'd in Dkt.
12/20/10
[Signature]

JPL:AK/CAC
F.#2010R00123

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT ★ **DEC 13 2010** ★
EASTERN DISTRICT OF NEW YORK

- - - - - **BROOKLYN OFFICE**

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

KATOSH PANTOLIANO,
also known as "K," and
ANTHONY TUOZZO,

Defendants.

Cr. No. 10-068 (S-1) (SJ)
(T. 18, U.S.C., §§ 924,
924(c)(1)(A)(i),
924(c)(1)(A)(ii),
924(c)(1)(A)(iii), 924(d),
981(a)(1)(C), 1951(a), 2
and 3551 et seq.; T. 21,
U.S.C., § 853(p);
T. 28, U.S.C., § 2461(c))

- - - - - X

THE GRAND JURY CHARGES:

COUNT ONE
(Hobbs Act Robbery Conspiracy)

1. In or about and between April 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York, the defendant KATOSH PANTOLIANO, also known as "K," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of narcotics traffickers and gambling establishments.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO

(Brandishing of a Firearm During a Crime of Violence)

2. In or about and between April 2008 and September 2008, both dates being approximate and inclusive, within the Eastern District of New York, the defendant KATOSH PANTOLIANO, also known as "K," together with others, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit: the crime charged in Count One, and did knowingly and intentionally possess said firearm in furtherance of such crime of violence, which firearm was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT THREE

(Hobbs Act Robbery Conspiracy)

3. In or about September 2009, within the Eastern District of New York, the defendants KATOSH PANTOLIANO, also known as "K," and ANTHONY TUOZZO, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from John Doe, an employee of a restaurant located in Brooklyn, New York, whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT FOUR
(Hobbs Act Robbery)

4. On or about September 28, 2009, within the Eastern District of New York, the defendants KATOSH PANTOLIANO, also known as "K," and ANTHONY TUOZZO, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from John Doe, an employee of a restaurant located in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FIVE
(Discharge of a Firearm During a Crime of Violence)

5. On or about September 28, 2009, within the Eastern District of New York, the defendants KATOSH PANTOLIANO, also known as "K," and ANTHONY TUOZZO, together with others, did knowingly and intentionally use and carry a firearm during and in relation to one or more crimes of violence, to wit: the crimes charged in Counts Three and Four, and did knowingly and intentionally possess said firearm in furtherance of such crimes of violence, which firearm was brandished and discharged.

(Title 18, United States Code, Sections 924(c) (1) (A) (i), 924(c) (1) (A) (ii), 924(c) (1) (A) (iii), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
(Count One)

6. The United States hereby gives notice to the defendant KATOSH PANTOLIANO, also known as "K," that, upon his conviction of Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property constituting or derived from proceeds traceable to such offense.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;

or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any

other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
(Count Two)

8. The United States hereby gives notice to the defendant KATOSH PANTOLIANO, also known as "K," that, upon his conviction of Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 924.

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;
or

(e) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 924(d); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
(Counts Three and Four)

10. The United States hereby gives notice to the defendants KATOSH PANTOLIANO, also known as "K," and ANTHONY TUOZZO, that upon conviction of Count Three or Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property constituting or derived from proceeds traceable to such offense, including but not limited to, a sum of money equal to at least approximately \$1,059.00 in United States currency seized from the defendants on September 28, 2009.

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant(s) up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
(Count Five)

12. The United States hereby gives notice to the defendants KATOSH PANTOLIANO, also known as "K," and ANTHONY TUOZZO that, upon conviction of Count Five, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 924.

13. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;

or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any

other property of such defendant(s) up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 924(d); Title 21, United States Code, Section 853(p))

A TRUE BILL

Claudia L. Walters
FOREPERSON

Loretta E. Lynch
LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

*Katosh Pantoliano, also known as "K," and
Anthony Tuozzo,*

Defendant.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 924, 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(d), 981(a)(1)(C), 1951(a), 2
and 3551 et seq.; T. 21, U.S.C., 853(p); T. 28, U.S.C., 2461(c));
T. 8, U.S.C., §§ 1326(a) and 1326(b)(1); T. 18, U.S.C., § 3551 et seq.)

A true bill.
Candice L. Winters
Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Celia A. Cohen, Assistant U.S. Attorney (718-254-6147)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 13 2010 ★

INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE
USAO#2010R00123

10 CK 68-(S-1)(SJ)

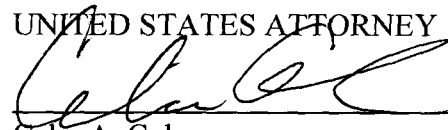
1. Title of Case: United States v. Katosh Pantoliano and Anthony Tuozzo
2. Related Magistrate Docket Number(s) _____

None ()
3. Arrest Date: Katosh Pantoliano was arrested on 1/20/10
4. Nature of offense(s): X Felony
□ Misdemeanor
5. Related Civil or Criminal Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules): _____

6. Projected Length of Trial: Less than 6 weeks (X)
More than 6 weeks ()
7. County in which crime was allegedly committed: Brooklyn
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
8. Has this indictment been ordered sealed? () Yes (X) No
9. Have arrest warrants been ordered? (X) Yes () No
10. Is a capital count included in the indictment? () Yes (X) No

LORETTA E. LYNCH
UNITED STATES ATTORNEY

By:


Celia A. Cohen
Assistant U.S. Attorney
(718) 254-6147

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT

★ DEC 13 2010 ★

UNITED STATES DISTRICT COURT
FOR THE
BROOKLYN OFFICE Eastern District of New York

UNITED STATES OF AMERICA

VS.

Katosh Pantoliano

aka "K"

and

Anthony Tuzzo

NO. 10 CR. 68(S-1)(SJ)

I, the undersigned foreman of the Grand Jury of this court, at the 10 25 10
term begun and held at Brooklyn, New York on the 13 day of December
AD 2010 in pursuance of Rule 6 (c) of the Federal Rules of Criminal Procedures,
and herein file with the clerk of the court a record of the number of grand jurors
concurring in the finding of the indictment in the above case, this record shall not
be made public except on order of the court, to wit:

20 # of Grand Jurors Concurring

Claudia L. Watten

Foreperson Signature

INDICTMENT SEALING FORM

Case name: United States v. Katosh Pantoliano and Anthony Tuozzo

Reason for Sealing: _____

**To enable law enforcement to effect the arrest of the defendant Anthony Tuoizzo
without prior notice**

By:



Assistant United States Attorney
United States Attorney's Office
Eastern District of New York

Date: 12/13/10